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Attorneys for Defendant
 Corrective Education Company, LLC

2013 SEP 16 PM 3:44
 CLERK U.S. DISTRICT COURT
 CENTRAL DIST. OF CALIF.
 RIVERSIDE
 BY: _____

FILED

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

SA CV 13 - 01446**AG**

DEBRA BLACK

Plaintiff,

v.

GOODWILL INDUSTRIES OF
 ORANGE COUNTY,
 CALIFORNIA, Inc.; CORRECTIVE
 EDUCATION COMPANY, LLC;
 NEAL C. TENEN and DOES 1 TO
 100

Defendants.

Case No.
 Judge:

DEFENDANT CORRECTIVE
 EDUCATION COMPANY, LLC'S
 NOTICE OF REMOVAL PURSUANT
 TO 28 U.S.C. § 1441(a) (FEDERAL
 QUESTION JURISDICTION)

AMX

4. This is a civil action that falls within this Court's original jurisdiction under 28 U.S.C. 1331 in that the First Cause of Action of the Complaint is brought under 15 U.S.C. § 1692, a federal statute.

b. Specifically, Plaintiff alleges that the same conduct violates 15 U.S.C. § 1692, the Fair Debt Collections Practices Act, California Civil Code 1788, the Rosenthal Fair Debt Collection Practices Act, constitutes Intentional Infliction of Emotional Distress, and violates California Business & Professions Code § 17200.

c. The undersigned is authorized to state that Defendants Goodwill Industries of Orange County, California, Inc. and Neal C. Tenen consent to removal of this lawsuit.

5. Pursuant to 28 U.S.C. § 1446(d), CEC will serve written notice of the removal of this action on Plaintiff's counsel, and a Notice of Filing of Notice of Removal will be filed with the Superior Court of the State of California in and for the County of Orange.

1 WHEREFORE, CEC hereby removes the above-captioned action from the
2 Superior Court of the State of California in and for the County of Orange and
3 requests that further proceedings be conducted in this Court as provided by law.
4

5
6 Dated: September 16, 2013

BEST BEST & KRIEGER LLP

7
8 By: 

9 HOWARD B. GOLDS
10 SCOTT W. DITFURTH
11 TRENTON C. PACKER
12 Attorneys for Defendant
13 Corrective Education Company, LLC
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LAW OFFICES OF
BEST BEST & KRIEGER LLP
3390 UNIVERSITY AVENUE, 5TH FLOOR
P.O. BOX 1028
RIVERSIDE, CALIFORNIA 92502

EXHIBIT A

ELECTRONICALLY FILED
Superior Court of California,
County of Orange

08/14/2013 at 11:15:33 AM

Clerk of the Superior Court
By Irma Cook, Deputy Clerk

POTTER HANDY, LLP
Mark Potter, Esq. SBN 166317
Russell Handy, Esq. SBN 195058
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Attorneys for Plaintiff

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE

30-2013-00669059-CU-BT-CXC

DEBRA BLACK
Plaintiff,

Case No. Judge Gail A. Andler

CLASS ACTION

v.

Complaint for Damages and
Injunctive Relief Pursuant to:

GOODWILL INDUSTRIES OF
ORANGE COUNTY, CALIFORNIA,
Inc.; CORRECTIVE EDUCATION
COMPANY, LLC; NEAL C. TENEN
and DOES 1 TO 100

Defendants.

- 1) The Fair Debt Collections
Practices Act, 15 U.S.C.A.
§1692
- 2) The Rosenthal Fair Debt
Collection Practices Act, Civ.
Code § 1788 et seq.
- 3) Intentional Infliction of
Emotional Distress
- 4) Business & Professions Code
§ 17200 et seq. (UCL)

Demand For Jury

Plaintiff Debra Black, individually and on behalf of all others similarly
situated (hereinafter "Plaintiff"), hereby complains and alleges as follows:

I. INTRODUCTION

1. This is a class action brought on behalf of persons in the United
States that have received demands for payment from Defendants GOODWILL
INDUSTRIES OF ORANGE COUNTY, CALIFORNIA, CORRECTIVE
EDUCATION COMPANY, LLC, and NEAL C. TENEN (hereinafter referred to as

1 "Defendants") after an accusation of shoplifting. This action is brought by an
2 individual consumer on behalf of herself and everyone else similarly situated for
3 Defendants CORRECTIVE EDUCATION COMPANY, LLC, and NEAL C.
4 TENEN's violations of the Fair Debt Collections Practices Act, 15 U.S.C.A. §1692
5 ("FDCPA"), which prohibits: (1) the use of any deceptive, or misleading
6 representations or means in connection with the collection of any debt, including
7 the representation or implication that nonpayment of any debt will result in the
8 arrest or imprisonment of any person unless such action is lawful and the debt
9 collector or creditor intends to take such action, and (2) the failure to include all
10 required information in the initial communication with the consumer.

11 2. Defendants have engaged in a months-long pattern of extortion and
12 deliberate harassment. Ms. Black was accused of shoplifting an item worth
13 approximately \$2.00. On the date of the incident, instead of notifying law
14 enforcement, Defendants intimidated Ms. Black and demanded she pay \$500.00.
15 The demand was later reduced to \$400.00. Throughout the course of the next
16 several months, Defendants sent Ms. Black several collection letters and made
17 numerous phone calls claiming she had agreed to pay installments and that the
18 debt was now past due. Defendants threatened to "notify law enforcement" and
19 suggested that paying the demand would prevent "the filing of a criminal
20 complaint." At no time did Defendants inform Ms. Black that she had 30 days to
21 dispute the debt, that Defendant had the obligation to verify the debt if informed
22 of a dispute, or that Ms. Black had the right to request the name and address of
23 the original creditor. Several of the communications failed to include the total
24 amount of the debt. Plaintiff seeks monetary and injunctive relief based on
25 Defendants' violations of the FDCPA.

26 3. This action is also brought by an individual consumer on behalf of
27 herself and everyone else similarly situated for all Defendants' violations of the
28 Rosenthal Fair Debt Collection Practices Act, Civ. Code § 1788 et seq.

1 ("RFDCPA"), which in addition to the above, prohibits threatening that
2 nonpayment of the consumer debt may result in the arrest of the debtor.

3 4. As above, Defendants have engaged in a months-long pattern of
4 extortion and deliberate harassment. Defendants have continuously tried to
5 extort an amount approximately 250 times greater than the value of the items
6 Plaintiff is alleged to have attempted to shoplift by threatening a criminal
7 proceeding they have neither the intention nor the evidence to proceed with.
8 Plaintiff seeks monetary and injunctive relief based on Defendants' violations of
9 the RFDCPA.

10 5. This action is also brought by an individual consumer on behalf of
11 herself and everyone else similarly situated for all Defendants' Intentional
12 Infliction of Emotional Distress. The elements of the tort of intentional infliction of
13 emotional distress are: (1) extreme and outrageous conduct by the defendant
14 with the intention of causing, or reckless disregard of the probability of causing,
15 emotional distress; (2) the plaintiff's suffering severe or extreme emotional
16 distress; and (3) actual and proximate causation of the emotional distress by the
17 defendant's outrageous conduct. (*Potter v. Firestone Tire & Rubber Co.*, (1993) 6
18 Cal. 4th 965, 1001; *Ross v. Creel Printing & Pub. Co. Inc.* (2002) 100 Cal.App4th
19 736, 744-745.)

20 6. Defendants have repeatedly bullied, harassed and threatened Ms.
21 Black with criminal prosecution and civil litigation they have no intention of
22 pursuing with the specific goal of creating fear and anxiety to force her to pay an
23 unsubstantiated claim for damages 250 times the value of the merchandise she's
24 accused of taking, and which in fact was returned undamaged the day of the
25 incident. Defendants' delay in notifying law enforcement likely resulted in the loss
26 of valuable evidence, and robbed Ms. Black of the opportunity to dispute the
27 charges against her, a right at the very foundation of this nation. As a result of
28 Defendants' conduct, Ms. Black has suffered from extreme emotional distress,

1 including but not limited to humiliation, shame, nervousness, loss of appetite and
2 trouble sleeping. Plaintiff seeks monetary and injunctive relief based on
3 Defendants' intentional infliction of emotional distress.

4 7. This action is also brought by an individual consumer on behalf of
5 herself and everyone else similarly situated for all Defendants' violations of the
6 Unfair Competition Law ("UCL") defines unfair competition as meaning and
7 including any "unlawful, unfair or fraudulent business act or practice and unfair,
8 deceptive, untrue or misleading advertising...." (Bus. & Prof. Code § 17200).
9 Unlawful business acts are those which are in violation of federal, state, county,
10 or municipal statutes or codes, as well as federal and state regulations. An unfair
11 business practice is one that either offends an established public policy or is
12 immoral, unethical, oppressive, unscrupulous, or substantially injurious to
13 consumers. (*McDonald v. Coldwell Banker*, C.A.9 (Cal.) 2008, 543 F.3d 498.)
14

15 II. PARTIES

16 8. Plaintiff Debra Black is a natural person who resided in Orange,
17 California at the time of the initial incident at the Goodwill store, when all
18 collection efforts were made, and who currently resides in the county of Orange.

19 9. Plaintiff alleges on information and belief that Defendant
20 GOODWILL INDUSTRIES OF ORANGE COUNTY, CALIFORNIA is a California
21 corporation that regularly conducts business in Orange County, and which has its
22 corporate headquarters located at 410 N. Fairview St., Santa Ana, California.
23 GOODWILL INDUSTRIES OF ORANGE COUNTY, CALIFORNIA is a registered
24 California non-profit corporation, primarily in the business of re-selling donated
25 household items. CORRECTIVE EDUCATION COMPANY (hereinafter "CEC") is
26 a Utah limited liability corporation that is not licensed to do business in California.
27 but regularly reaches into California as part of its primary business of debt
28 collection. CEC contracts with retailers and security firms to provide a shoplifting

1 incident intake, management and damage collection, labeled "education
2 programs." NEAL C. TENEN is an attorney licensed to practice law in the State
3 of California. His bar number is 80743, and his office is located at 15315
4 Magnolia Boulevard, Suite 402, Sherman Oaks, California.

5
6 **III. FAIR DEBT COLLECTIONS PRACTICES ACT, 15 U.S.C.A. §1692**

7 10. Congress enacted the Fair Debt Collections Practices Act,
8 "FDCPA," in response to abundant evidence of debt collector abuse, deception,
9 and unfair practices when attempting to collect debts.

10 11. The FDCPA seeks to eliminate abusive debt collection practices by
11 debt collectors, to insure that those debt collectors who refrain from using
12 abusive debt collection practices are not competitively disadvantaged, and to
13 promote consistent State action to protect consumers against debt collection
14 abuses.

15 12. The FDCPA is a strict liability statute, subsection (a), and applies to
16 the conduct of debt collectors, as defined at 15 U.S.C.A. §1692a(6).

17 13. Under the FDCPA, 15 U.S.C.A. §1692g, within five days the initial
18 communication with the consumer, the debt collector must send the consumer
19 written notice that includes the amount of the debt, the name of the creditor, and
20 a statement that the consumer has thirty days to dispute the debt in writing,
21 which will obligate the debt collector to verify the debt and provide the consumer
22 with the name and address of the original creditor, if so requested.

23
24 **IV. ROSENTHAL FAIR DEBT COLLECTION PRACTICES ACT, CIV.**
25 **CODE § 1788 ET SEQ.**

26 14. The Rosenthal Fair Debt Collection Practices Act, "RFDCPA," was
27 enacted in 1977 to prohibit debt collectors from engaging in unfair or deceptive
28 acts or practices in collecting consumer debts.

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1 that law enforcement would be called and she would go to jail unless she agreed
2 to pay \$500.00 Ms. Black felt intimidated and forced by the guard and the content
3 of the video to agree to pay \$500.00.

4 25. Ms. Black agreed to pay the \$500.00 while still at the Goodwill
5 store.

6 26. Plaintiff alleges on information and belief that law enforcement was
7 never notified of the incident.

8 27. Defendants CEC and NEAL TENEN are debt collectors within the
9 meaning of 15 U.S.C.A. § 1692a(6).

10 28. Defendant CEC sent Ms. Black at least two letters in an attempt to
11 collect this debt.

12 29. Neither letter sent by CEC advised Ms. Black of the total amount
13 owed, her right to dispute the debt, or their obligation to verify the debt.

14 30. In a letter sent May 20, 2013, CEC implied, suggested, and/or
15 stated that Ms. Black could avoid criminal prosecution only by paying their
16 demand.

17 31. Defendant NEAL C. TENEN sent Ms. Black at least two letters in
18 an attempt to collect this debt.

19 32. Neither letter sent by NEAL C. TENEN advised Ms. Black of the
20 total amount owed, her right to dispute the debt, or their obligation to verify the
21 debt.

22 33. As a result of Defendants' conduct, Ms. Black has suffered from
23 extreme emotional distress, including but not limited to humiliation, shame,
24 nervousness, loss of appetite and trouble sleeping.

25 VI. CLASS ALLEGATIONS

26
27 34. Plaintiff re-alleges and incorporates by reference every allegation
28 contained in all paragraphs above, as if set forth at this point.

1 35. These actions may be properly maintained as a class action
2 pursuant to 15 U.S.C.A. § 1692k(a)(2)(B) and *McDonald v. Bonded Collectors,*
3 *LLC*, 233 F.R.D. 576 (S.D. Cal. 2005).

4 36. Plaintiff brings this Complaint on behalf of all persons in the United
5 States who have received letters from Defendants that (1) do not inform the
6 recipient of the total debt owed, the right to dispute the debt, or Defendants'
7 obligations in the case of a disputed debt; and/or (2) suggest, imply or state that
8 the recipient can avoid criminal prosecution by paying the debt over the past
9 twelve months in violation of the FDCPA. Plaintiff is informed and believes that
10 the class consists of thousands of persons. Specifically excluded from the class
11 are any entities in which any Defendant has a controlling interest; any of
12 Defendants' parent companies, subsidiaries, or affiliates; and any of Defendant's
13 officers and directors, members of their immediate families, their heirs, and their
14 successors and assigns.

15 37. Plaintiff brings this Complaint on behalf of all persons in California
16 who have received letters from Defendants over the past twelve months that (1)
17 do not inform the recipient of the total debt owed, the right to dispute the debt, or
18 Defendants' obligations in the case of a disputed debt; and/or (2) suggest, imply
19 or state that the recipient can avoid criminal prosecution by paying the debt in
20 violation of the RFDCPA. Plaintiff is informed and believes that the class consists
21 of thousands of persons. Specifically excluded from the class are any entities in
22 which any Defendant has a controlling interest; any of Defendants' parent
23 companies, subsidiaries, or affiliates; and any of Defendant's officers and
24 directors, members of their immediate families, their heirs, and their successors
25 and assigns.

26 38. Plaintiff brings this Complaint on behalf of all persons in the United
27 States who have suffered emotional distress as a result of Defendants' illegal,
28 outrageous conduct intentional undertaken to produce unfounded fear in debtors

1 in the past two years. Plaintiff is informed and believes that the class consists of
2 thousands of persons. Specifically excluded from the class are any entities in
3 which any Defendant has a controlling interest; any of Defendants' parent
4 companies, subsidiaries, or affiliates; and any of Defendant's officers and
5 directors, members of their immediate families, their heirs, and their successors
6 and assigns.

7 39. The members of the class are so numerous that separate joinder of
8 each member is impractical. Appropriate discovery can determine the exact
9 number of class members. The disposition of class members' claims in a class
10 action format will provide substantial benefits to the parties and the Court.

11 40. The claims of the representative Plaintiff raises questions of law
12 and fact that are common to questions of law and fact raised by the claims of
13 each member of the class.

14 41. The claims of the representative Plaintiff are typical of the claims of
15 each member of the class. Plaintiff has the same interest in this matter as all
16 other members of the class.

17 42. The prosecution of separate claims by each individual member of
18 the class would create a risk of inconsistent or varying adjudications.

19 43. The questions of law or fact common to the claims of the
20 representative Plaintiff and the claims of each member of the class predominate
21 over any questions of law or fact affecting individual members of the class. Class
22 representation is superior to other available methods for fair and efficient
23 adjudication of this controversy.

24 44. Questions of law and/or fact that are common to the claim include
25 but are not limited to:

26 (A) Whether, within the twelve months prior to the filing of this
27 Complaint, Defendants sent to any Class Member letters that did not
28 inform the recipient of the total debt owed, the right to dispute the debt, or

1 Defendants' obligations in the case of a disputed debt; and/or suggested,
2 implied or stated that the recipient could avoid criminal prosecution by
3 paying the debt;

4 (B) Whether, within the two years prior to the filing this Complaint, and
5 Class Members have suffered emotional distress as a result of
6 Defendants' illegal, outrageous conduct intentional undertaken to produce
7 unfounded fear in debtors;

8 (C) Whether Plaintiff and the Class members are damaged thereby and
9 the extent of the damages for such violation;

10 (D) Whether Defendant should be enjoined from engaging such conduct in
11 the future.

12 45. As a person who received at least one letter in violation of the
13 FDCPA and the RFDCPA, and suffered emotional distress as a result of the
14 intimidation and shame inflicted by Defendants, Plaintiff is asserting a claim that
15 is typical of the Class. Plaintiff will fairly and adequately represent and protect the
16 interests of the Class in that Plaintiff has no interests antagonistic to any member
17 of the Class.

18 46. Plaintiff and the members of the Class have all suffered irreparable
19 harm as a result of the Defendant's unlawful and wrongful conduct. Absent a
20 class action, the Class will continue to face the potential for irreparable harm. In
21 addition, these violations of law will be allowed to proceed without remedy and
22 Defendants will likely continue such illegal conduct. Because of the size of the
23 individual Class member's claims, few, if any, Class members could afford to
24 seek legal redress for the wrongs complained of herein.

25 47. A class action is a superior method for the fair and efficient
26 adjudication of this controversy. Class-wide damages are essential to induce
27 Defendant to comply with federal and California law. The interest of Class
28 members in individually controlling the prosecution of separate claims against

1 Defendant is small because the maximum damages in an individual action are
2 minimal. Management of these claims is likely to present significantly fewer
3 difficulties than those presented in many class claims.

4 48. Defendants have acted on grounds generally applicable to the
5 Class, thereby making appropriate final injunctive relief and corresponding
6 declaratory relief with respect to the Class as a whole.

7 8 **VII. CAUSES OF ACTION**

9 10 **FIRST COUNT**

11 **VIOLATION OF THE FAIR DEBT COLLECTIONS**

12 **PRACTICES ACT, 15 U.S.C.A. §1692**

13 (Against Defendants CORRECTIVE EDUCATION COMPANY, LLC and NEAL C.
14 TENEN and DOES 1-100)

15 49. Plaintiff re-alleges and incorporates by reference the above
16 paragraphs as though set forth fully herein.

17 50. Defendant's violations of the FDCPA include, but are not limited to,
18 the following:

- 19 a. Defendant violated 15 U.S.C.A. §1692e(4) by representing
20 or implying that nonpayment of any debt would result in the
21 arrest or imprisonment of Plaintiff;
- 22 b. Defendant violated 15 U.S.C.A. §1692g by failing in the
23 initial communication with Plaintiff to inform her of the
24 amount of the debt, her right to dispute the debt in writing,
25 and Defendants' obligation to verify a disputed debt.

26 51. As a result of Defendant's violations of the FDCPA, plaintiff and
27 class members are entitled to an award of actual damages, statutory damages,
28 costs, injunctive relief, and attorney's fees.

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4 **SECOND COUNT**

5 **VIOLATION OF THE ROSENTHAL FAIR DEBT COLLECTIONS**

6 **PRACTICES ACT, CIV. CODE § 1788 ET SEQ.**

7 (Against all Defendants and DOES 2-100)

8 52. Plaintiff re-alleges and incorporates by reference the above
9 paragraphs as though set forth fully herein.

10 53. Defendants' violations of the RFDCPA include, but are not limited
11 to, the following:

12 a. Defendant violated Civil Code § 1788.10(e) by threatening
13 that nonpayment of the consumer debt may result in the
14 arrest of the debtor, unless such action is in fact
15 contemplated by the debt collector;

16 b. Defendant violated Civil Code § 1788.17 by failing to comply
17 with federal debt collection provisions.

18 54. As a result of Defendant's violations of the RFDCPA, plaintiff and
19 class members are entitled to an award of actual damages, statutory damages,
20 costs, injunctive relief, and attorney's fees.

21 **THIRD COUNT**

22 **INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

23 (Against all Defendants and DOES 2-100)

24 55. Plaintiff re-alleges and incorporates by reference the above
25 paragraphs as though set forth fully herein.

26 56. Defendants' conduct of intimidating a vulnerable, elderly, disabled
27 Plaintiff with threats that failure to pay a debt would result in criminal prosecution
28 was intentional, malicious, and were taken for the purpose of causing plaintiff to

1 suffer severe emotional distress, and with reckless disregard for the likelihood
 2 that such distress would result. The fact that this conduct is repeated thousands
 3 of times over across the country exacerbates the outrageous nature of the
 4 offense.

5 57. For all of the above reasons, Plaintiff is entitled to general, special,
 6 and punitive damages against all Defendants.

7 **FOURTH COUNT**

8 **VIOLATION OF THE UNFAIR COMPETITION LAW**

9 **(Business and Professions Code § 17200, et seq.)**

10 (Against all Defendants and DOES 2-100)

11 58. Plaintiff re-alleges and incorporates by reference the above
 12 paragraphs as though set forth fully herein.

13 59. The Unfair Competition Law ("UCL") defines unfair competition as
 14 meaning and including any "unlawful, unfair or fraudulent business act or practice
 15 and unfair, deceptive, untrue or misleading advertising...." (Bus. & Prof. Code §
 16 17200). Unlawful business acts are those which are in violation of federal, state,
 17 county, or municipal statutes or codes, as well as federal and state regulations.
 18 An unfair business practice is one that either offends an established public policy
 19 or is immoral, unethical, oppressive, unscrupulous, or substantially injurious to
 20 consumers. (*McDonald v. Coldwell Banker*, C.A.9 (Cal.) 2008, 543 F.3d 498.)

21 60. Defendants violated state and federal debt collection regulations.
 22 Additionally, intimidating a vulnerable, elderly, disabled Plaintiff with threats that
 23 failure to pay a debt would result in criminal prosecution is malicious, unfair,
 24 immoral, unethical, oppressive, and unscrupulous. The fact that this conduct is
 25 repeated thousands of times over across the country exacerbates the substantial
 26 injury suffered by consumers as a result of the offense

27 61. Plaintiff seeks recovery of all attorneys' fees and litigation expenses
 28 pursuant to California Code of Civil Procedure § 1021.5 and/or California Civil

1 Code § 1780(d). Alternatively, Plaintiff seeks recovery of all attorneys' fees and
2 all litigation expenses pursuant to the substantial benefit doctrine; Plaintiff also
3 seeks recovery of all attorneys' fees and other litigation expenses to be paid
4 under the common fund doctrine or other authority requiring Defendants to pay
5 Plaintiffs' attorneys' fees and litigation expenses.


6
7 **VIII. PRAYERS FOR RELIEF**

8 WHEREFORE, Plaintiff respectfully prays that judgment be entered against
9 Defendants for the following:

- 10 1. Actual and statutory damages and reasonable attorney's fees and costs
11 pursuant to 15 U.S.C.A. § 1692k.
12 2. Actual damages according to proof, statutory damages under Civil Code
13 §17788.30(b), and reasonable attorney's fees under Civil Code
14 §17788.30(c).
15 3. Non-economic damages, including emotional distress, and punitive
16 damages according to proof.
17 4. Pursuant to 47 U.S.C. § 227(b)(3)(A), injunctive relief prohibiting such
18 conduct in the future.
19 5. Any other relief the Court may deem just and proper.

20
21 Dated: July 26, 2013

POTTER HANDY, LLP

22
23 By: 
24 Mark Potter, Esq.
Attorneys for Plaintiff

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28 ///

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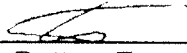
3 ///

4 DEMAND FOR JURY TRIAL

5 Plaintiffs hereby demand a jury for all claims for which a jury is permitted.

6 Dated: July 26, 2013

POTTER HANDY, LLP

7
8 By: 
9 Mark Potter, Esq.
10 Attorneys for Plaintiff
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Andrew J. Guilford and the assigned Magistrate Judge is Arthur Nakazato.

The case number on all documents filed with the Court should read as follows:

SACV13-01446 AG (ANx)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

September 16, 2013

Date

By L. Murray

Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☐

Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012

☒

Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701

☐

Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

CIVIL COVER SHEET

I. (a) PLAINTIFFS (Check box if you are representing yourself ☐)
DEBRA BLACK

DEFENDANTS (Check box if you are representing yourself ☐)
GOODWILL INDUSTRIES OF ORANGE COUNT,
CALIFORNIA, Inc.; CORRECTIVE EDUCATION COMPANY,
LLC; NEAL C. TENEN and DOES 1 TO 100

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)

Potter Handy, LLP
9845 Erma Road, Suite 300
San Diego, CA 92131
Tel: 858-375-7385
Fax: 888-422-5191

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same information.)

Best Best & Krieger LLP
3390 University Avenue, 5th Floor
Riverside, CA 92501
Tel: 951-686-1450
Fax: 951-686-3083

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1. U.S. Government Plaintiff
☐ 2. U.S. Government Defendant
☒ 3. Federal Question (U.S. Government Not a Party)
☐ 4. Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☐ 1. Original Proceeding
☒ 2. Removed from State Court
☐ 3. Remanded from Appellate Court
☐ 4. Reinstated or Reopened
☐ 5. Transferred from Another District (Specify)
☐ 6. Multi-District Litigation

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: ☐ Yes ☒ No

☐ MONEY DEMANDED IN COMPLAINT: \$

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Fair Debt Collections Practices Act, 15 U.S.C.A. Section 1692. Plaintiff claims defendants violated Act by representing non-payment would result in arrest, and failing to inform about amount of the debt.

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus:	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	TORTS	PERSONAL PROPERTY	<input type="checkbox"/> 530 General	SOCIAL SECURITY
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	Other:	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	FEDERAL TAX SUITS
<input checked="" type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	REAL PROPERTY	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 895 Freedom of Info Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 362 Personal Injury Med Malpractice	<input type="checkbox"/> 441 Voting	LABOR	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 720 Labor/Mgmt Relations	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 740 Railway Labor Act	
			<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 751 Family and Medical Leave Act	
			<input type="checkbox"/> 448 Education	<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inv. Security Act	

FOR OFFICE USE ONLY:

Case Number

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CIVIL COVER SHEET

SEP 16 2013

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CIVIL COVER SHEET

VIM. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case removed from state court? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input checked="" type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino		Eastern

Question B: Is the United States, or one of its agencies or employees, a party to this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:
	A PLAINTIFF?	A DEFENDANT?	
	Then check the box below for the county in which the majority of DEFENDANTS reside.	Then check the box below for the county in which the majority of PLAINTIFFS reside.	
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles	
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange	
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino	Eastern
	<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western

Question C: Location of plaintiffs, defendants, and claims?	A. Los Angeles County	B. Ventura, Santa Barbara, or San Luis Obispo Counties	C. Orange County	D. Riverside or San Bernardino Counties	E. Outside the Central District of California	F. Other
Indicate the location in which a majority of plaintiffs reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C.1. Is either of the following true? If so, check the one that applies:

- ☒ 2 or more answers in Column C
☐ only 1 answer in Column C and no answers in Column D

Your case will initially be assigned to the
SOUTHERN DIVISION.

Enter "Southern" in response to Question D, below.

If none applies, answer question C2 to the right. →

C.2. Is either of the following true? If so, check the one that applies:

- ☐ 2 or more answers in Column D
☐ only 1 answer in Column D and no answers in Column C

Your case will initially be assigned to the
EASTERN DIVISION.

Enter "Eastern" in response to Question D, below.

If none applies, go to the box below ↓

Your case will initially be assigned to the
WESTERN DIVISION
 Enter "Western" in response to Question D below

Question D: Initial Division?

Enter the initial division determined by Question A, B, or C above →

INITIAL DIVISION IN CACD

Southern

CIVIL COVER SHEET

IX(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

X. SIGNATURE OF ATTORNEY

(OR SELF-REPRESENTED LITIGANT):

HOWARD B. GOLDS

DATE: September 16, 2013

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))